

The court has reviewed de novo the portions of the M&R to which plaintiff objected. The scope of judicial review of a final decision regarding disability benefits under the Social Security Act, 42 U.S.C. § 405(g), is limited to determining whether substantial evidence supports the Commissioner's factual findings and whether the Commissioner applied the correct legal standards. See, e.g., Walls v. Barnhart, 296 F.3d 287, 290 (4th Cir. 2002); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Substantial evidence is evidence which a reasonable mind "might accept as sufficient to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401 (1971) (quotation omitted). It "consists of more than a mere scintilla of evidence but may be less than a preponderance." Smith v. Chater, 99 F.3d 635, 638 (4th Cir. 1996). This court may not reweigh the evidence or substitute its judgment for that of the Commissioner. See, e.g., Hays, 907 F.2d at 1456. Rather, in determining whether substantial evidence supports the Commissioner's decision, the court's review is limited to whether the Commissioner analyzed the relevant evidence and sufficiently explained his findings and rationale concerning the evidence. See, e.g., Sterling Smokeless Coal Co. v. Akers, 131 F.3d 438, 439–40 (4th Cir. 1997).

In his objections, plaintiff first argues that the ALJ's assessment of plaintiff's IQ score is not supported by substantial evidence. In making the argument, plaintiff recognizes that an ALJ has the discretion to assess the validity of an IQ test in light of the entire record, but argues that the ALJ erred in evaluating plaintiff's alleged mental retardation under Listing 12.05B and 12.05C. See Hancock v. Astrue, 667 F.3d 470, 474–75 (4th Cir. 2012). The record, however, shows that substantial evidence supports the ALJ's decision to reject plaintiff's contention that he was disabled due to mental retardation. Tr. 20–22, 221, 223–24, 227–229, 231–44, 309; M&R 7–8. Thus, the objection is overruled.

Next, plaintiff contends that the ALJ failed to consider plaintiff's alleged mental impairments in considering his RFC. The ALJ did, however, analyze the arguments that plaintiff continues to make concerning his alleged (but unproven) mental impairment. See Tr. 16-24. Substantial evidence (which the ALJ cited in his opinion) supports the analysis. Accordingly, the objection is overruled.

In sum, plaintiff's objections to the M&R [D.E. 28] are OVERRULED, plaintiff's motion for judgment on the pleadings [D.E. 22] is DENIED, defendant's motion for judgment on the pleadings [D.E. 24] is GRANTED, defendant's final decision is AFFIRMED, and this action is DISMISSED. The clerk shall close the case.

SO ORDERED. This 20 day of February 2012.


JAMES C. DEVER III
Chief United States District Judge